

Exhibit 17

NlVsHER1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 HERMÈS INTERNATIONAL. et al.,

5 Plaintiffs,

6 v.

22 Civ. 384 (JSR)

7 MASON ROTHSCHILD,

8 Defendant.
9 -----x

New York, N.Y.
January 31, 2023
9:30 a.m.

10 Before:

11 HON. JED S. RAKOFF,

12 District Judge
13 -and a Jury-

14 APPEARANCES

15 BAKER & HOSTETLER LLP
16 Attorneys for Plaintiffs

17 BY: DEBORAH A. WILCOX
18 OREN J. WARSHAVSKY
19 GERALD J. FERGUSON

20 HARRIS ST. LAURENT & WECHSCLER LLP
21 Attorneys for Defendant

22 BY: ADAM B. OPPENHEIM
23 JONATHAN A. HARRIS

24 LEX LUMINA PLLC
25 Attorneys for Defendant

BY: RHETT O. MILLSAPS, II

N1VsHER5

Martin - Redirect

1 your advertisement in the street. But thereafter I saw it was
2 not the same media.

3 Q. OK. And you're talking about things like bus stops, for
4 example, or billboards?

5 A. Yes, billboard.

6 MR. WARSHAVSKY: No further questions.

7 THE COURT: OK. Anything else?

8 MR. MILLSAPS: No, your Honor.

9 THE COURT: Thank you very much. You may step down.

10 (Witness excused)

11 Who is the next witness?

12 MR. WARSHAVSKY: Your Honor, the next witness is
13 Mr. Rothschild.

14 THE COURT: OK. I need to explain to the ladies and
15 gentlemen that you should not worry about the order of the
16 witnesses or who is calling a witness, who is not calling a
17 witness, because Mr. Rothschild, even though he's being
18 technically called by both sides, we're going to let his
19 lawyers do the questioning first because it makes more logical
20 sense. But there is nothing special about it, it's just the
21 way things work.

22 So let's get the witness up here.

23 SONNY ESTIVAL,

24 called as a witness by the Defendants,

25 having been duly sworn, testified as follows:

Nlvnher6

Estival - Direct

1 Q. Okay. So what did you do for Maxfield's?

2 A. At the time, my girlfriend, Ericka Rosario, was the
3 creative director, and she -- what we would do, all the same
4 things I did at RSVP. So it was like social media assets,
5 mailers, like for, like e-mail marketing and stuff like that, I
6 would create all those graphics.

7 Q. I'm sorry. I just want to make sure I got it for the jury.

8 Ericka, your fiancée, is a creative director at
9 Maxfield's?

10 A. Yes.

11 Q. What does a creative director do at a store as opposed to a
12 brand like Saint Laurent?

13 A. So, at the same time they are very similar. At the time
14 Ericka was, you know, merchandising the store, making
15 everything look good. During a holiday or any type of event
16 she would do, like, the window displays that you see in the
17 front as well as, like, the auxiliary John Bouvier house as
18 well. She would kind of create the mood of the store as well
19 as doing the merchandising and make it look presentable.

20 Q. In addition to Maxfield's -- I cut you off. In addition to
21 Maxfield's, is there anybody else you did graphic work for
22 while you were working at RSVP?

23 A. It would be hard to remember. I did, like, a bunch of
24 stuff. I was always kind of hustling to, to make money.

25 Q. Do you know if, do you recall if you did any album design?

Nlvnher6

Estival - Direct

1 A. Yes.

2 Q. Okay. Who have you done album design for?

3 A. Most notably Lil Uzi Vert. He is a rapper.

4 Q. Did you work with any other musicians?

5 A. A few small-time ones. And then when it came to merch
6 design, I worked with Jerry Lorenzo to help on the store
7 merchandise for Kanye.

8 Q. What is merch design?

9 A. Like, a store merchant, like, the stuff you buy at a
10 concert as, like, a --

11 Q. Like the hats, T-shirts --

12 A. Hats, T-shirts.

13 Q. Hoodies?

14 A. Yeah.

15 Q. If my timeline is right, we are about up to 2020, is that
16 right?

17 A. About.

18 Q. Okay. So did there come a time when you left RSVP?

19 A. Yes.

20 Q. All right. About when?

21 A. What was that.

22 Q. About when was that?

23 A. I believe, like, the end of 2020 or early 2021.

24 Q. Let's just mark the pandemic. So the pandemic started in
25 February, March 2020.

Nlvnher6

Estival - Direct

1 A. Uh-huh.

2 Q. Do you recall if you left RSVP before or after the pandemic
3 started?

4 A. It was before.

5 Q. Before.

6 A. Yes.

7 Q. Okay. And when the pandemic hit in February, March 2020,
8 what were you doing then?

9 A. I was doing a lot of freelance work as well as doing all
10 the stuff for Maxfield because Ericka was still creative
11 director.

12 Q. When the pandemic hit, what did you do?

13 A. LA was pretty much in lockdown, so I just -- there wasn't
14 much work to do, all the stores were closing, so there wasn't
15 much for me to do. So I built a PC to play some video games
16 with my friends.

17 Q. After building a PC, did there come a time when you tried
18 to learn additional graphics programs?

19 A. I was already doing like Photoshop and Illustrator, but
20 with a PC you are able to do a lot more in terms of like
21 processing power, so I started to learn 3D.

22 Q. Drawing 3D. What is drawing 3D?

23 A. So pretty much it's creating objects and, you know, in --
24 in a 3D space versus just two dimensional.

25 Q. So they look 3D on the page?

Nlvnher6

Estival - Direct

1 A. Yes.

2 Q. Am I getting that right?

3 A. Yes.

4 Q. All right. Photoshop and Illustrator, are those 2D
5 programs?

6 A. They could be used in 3D, but it is not recommended.

7 Q. And did you also continue to do graphics for folks during
8 the pandemic?

9 A. For sure, wherever I could find it.

10 Q. Now, did there come a time when you started thinking about
11 opening your own store?

12 A. That was during the pandemic.

13 Q. How did that come about?

14 A. At the time Ericka was working at Maxfield, and she held a
15 pretty prominent position at Maxfield, and we were approached
16 by an investor from Japan to kind of start creating our own
17 kind of concept.

18 Q. Did you in fact do that?

19 A. Yes.

20 Q. With the investor from Japan?

21 A. Yes. During the pandemic.

22 Q. During the pandemic?

23 A. Uh-huh.

24 Q. And what is that store called?

25 A. Terminal 27.

Nlvnher6

Estival - Direct

1 Q. Do you recall when you -- is Terminal 27 a store that you
2 and Ericka and the Japanese investor owned?

3 A. We're actually full owners at this point now.

4 Q. Full owners meaning you and Ericka?

5 A. Ericka.

6 Q. Are full owners right now?

7 A. Yes.

8 Q. The Japanese investor, where is he now?

9 A. We are opening a store in Japan this year, and he's going
10 to own the majority of the rights to that.

11 Q. Did you sign a lease for the store?

12 A. Ericka signed the lease, but, yes.

13 Q. Do you recall when that was?

14 A. I would say maybe Q3 of 2020.

15 Q. So in the middle of the pandemic?

16 A. Yeah.

17 MR. HARRIS: Can we please show to the -- Ashley,
18 would you please put up for the jury -- not for the jury,
19 sorry, I misspoke -- for the witness, the Court, and counsel,
20 Plaintiff's Exhibit 581 -- Defense Exhibit 581.

21 BY MR. HARRIS:

22 Q. Do you recognize Defense Exhibit 581?

23 A. Yes, it's a Terminal 27 website.

24 MR. HARRIS: Your Honor, I offer Exhibit 581.

25 MR. WARSHAVSKY: No objection.

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Estival - Direct

1 THE COURT: Received.

2 (Defendant's Exhibit 581 received in evidence)

3 MR. HARRIS: Ashley, if you could go ahead and show it
4 to the jury.

5 Thank you.

6 BY MR. HARRIS:

7 Q. I'm sorry. You were saying this is the website for
8 Terminal 27?

9 A. Correct.

10 Q. And up at the top you can see it says "Shop, Events,
11 Gallery, Editorial." Right?

12 A. Correct.

13 Q. We were talking before about a concept store. Would it be
14 fair to describe Terminal 27 as a concept store?

15 A. Yes.

16 Q. What types of things -- by the way, when did Terminal 27
17 open?

18 A. It opened in March 2021.

19 Q. What types of things does -- sorry. What types of things
20 does Terminal 27 do?

21 A. We sell clothes, both emerging designers and luxury
22 designers. We sell art, both digital and physical. And we
23 throw some of the best parties in LA.

24 Q. When you sell art, are there artists that have had shows at
25 Terminal 27?

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Estival - Direct

1 A. Yeah, a few.

2 Q. And who would that include?

3 A. Vera Colombo, Noah Dillon, and Lucas Abat who did Hot Mess,
4 and numerous others who have done stuff, like Korean designers
5 and everything. We did 40 events last year, and I would say
6 half were artists.

7 Q. How much dollars' worth of art do you think you sold since
8 Terminal 27 opened?

9 A. Physical art, about a half million. Digital art about
10 \$250,000.

11 Q. Excuse me?

12 A. \$250,000 in digital art.

13 Q. What is your role at Terminal 27?

14 A. I'm the CMO.

15 Q. You are the what?

16 A. Chief marketing officer.

17 Q. What is Ericka's role?

18 A. She's the CEO.

19 Q. And did Terminal 27, does Terminal 27 receive press
20 coverage?

21 A. Yes.

22 MR. HARRIS: Ashley, if you could please show to the
23 witness and counsel and the Court Defendant's Exhibit 609.

24 BY MR. HARRIS:

25 Q. Mr. Rothschild, did there come a time when Terminal 27 was

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Estival - Direct

1 written up in Vogue Magazine?

2 A. Yes.

3 MR. HARRIS: Your Honor, I --

4 Q. Do you recognize what I'm showing you as Exhibit 609?

5 A. Yes.

6 Q. What is that?

7 A. It is an article about the best fashion boutiques in
8 America by Vogue editors, and we are on this list.

9 MR. HARRIS: Your Honor, I offer Defendant's Exhibit
10 609.

11 MR. WARSHAVSKY: No objection.

12 THE COURT: Received.

13 (Defendant's Exhibit 609 received in evidence)

14 MR. HARRIS: Ashley, if you could please show it to
15 the jury.

16 BY MR. HARRIS:

17 Q. Can we just scroll down. Is there a picture of the store
18 here? I forget.

19 A. The one with the red chair is a picture of our store.

20 Q. The one with the red chair is a picture of -- that is a
21 picture of Terminal 27?

22 A. Uh-huh.

23 Q. Thank you.

24 Now, did there come a time --

25 MR. HARRIS: You can put this down.